



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

August 26, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

**RESOLUTION AND NOTICE OF INTENTION TO PURCHASE A
CONSERVATION EASEMENT, CITY OF MALIBU
UPPER NICHOLAS CANYON AREA
C.P. 68814
(THIRD) (4-VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this action to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Adopt the enclosed Resolution and Notice of Intention to acquire a conservation easement over 20.03 acres of unimproved real property located within the City of Malibu in the upper Nicholas Canyon area of the Santa Monica Mountains for a purchase price of \$500,000.
3. Approve the enclosed appropriation adjustment in the amount of \$164,000 to increase funding for the purchase of a conservation easement in the upper Nicholas Canyon area of the Santa Monica Mountains funded by Safe Neighborhood Parks Proposition of 1996.
4. Instruct the Executive Officer of the Board of Supervisors to carry out the necessary legal advertising pursuant to Government Code Section 25350.

IT IS FURTHER RECOMMENDED THAT, AT THE CONCLUSION OF THE PUBLIC HEARING, YOUR BOARD:

1. Order the acquisition consummated in accordance with Section 25350 of the Government Code.

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2. Authorize the Chief Administrative Office to execute any required documentation necessary to complete the acquisition of the conservation easement and to accept the grant of easement to the County.
3. Authorize the Auditor-Controller to issue a warrant in the amount of \$500,000 payable to the Nature Trust of the Santa Monica Mountains from Capital Project 68814.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to acquire a conservation easement over 20.03 acres of unimproved real property (portions of Assessor Parcels 4473-002-017 and 018) located within the City of Malibu in the Nicholas Canyon area of the Santa Monica Mountains. As consideration, the County will pay the fee owner, the Nature Trust of the Santa Monica Mountains (Nature Trust), \$500,000 from a combination of grant funds received from the State Habitat Conservation Fund Program (HCF) and Safe Neighborhood Parks Proposition of 1996.

Acquisition of the conservation easement over the subject property will preserve open space and wildlife habitat for deer and mountain lion as well facilitate passive recreational uses by providing a linkage between the Nicholas Flats Preserve of Leo Carrillo State Park and Nicholas Canyon County Beach. The Nature Trust, as the fee owner, will have responsibility for all ongoing property management and operating expenses.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed recommendations further the Board approved County Strategic Plan Goal 1.1.1 (Service Excellence), and Goal 6 (Community Service) by enabling the preservation of open space and sensitive wildlife habitat and by expanding passive recreational opportunities in Los Angeles County. Your Board's approval of these recommendations will also further Goal 4 (Fiscal Responsibility) through public/private partnership involving the State, its HCF grant program, the Nature Trust, and the County to achieve common goals of preserving and protecting open space and natural habitat as a public resource.

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FISCAL IMPACT/FINANCING

On November 16, 1999, your Board approved a resolution authorizing the Department of Parks and Recreation to submit a \$500,000 grant application to the State Habitat Conservation Fund Program for the acquisition of this conservation easement. In September 2000, the State awarded a reduced grant amount of \$356,000 which is budgeted in Capital Project 68814 and will provide a portion of the monetary consideration to be paid to the Nature Trust. The remaining portion of \$144,000 plus \$20,000 for the County's title, appraisal, and environmental site assessment reviews is being made available from the Safe Neighborhood Parks Proposition of 1996 Per Parcel funds under Section 3, Subsection (c), Paragraph (1). (Please see related item on today's Regional Park and Open Space District's agenda). The appropriation adjustment will transfer \$164,000 from the Safe Neighborhood Proposition of 1996 to Capital Project number 68814.

The County will incur no further financial obligations and all other costs including management and operating expenses will be the sole responsibility of the Nature Trust and its successors in interest.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The subject twenty acres to be encumbered by the proposed conservation easement is located adjacent to Leo Carrillo State Park approximately one-third mile north of Pacific Coast Highway and one-half mile west of Decker Road and is a part of the northerly forty acres of a 118-acre holding owned in fee by the Nature Trust. The 118-acre holding is encumbered by a trust deed securing a purchase money note held by the prior owner, Malibu Riding and Tennis Club, and having a payoff amount of \$1,053,572.90 as of September 30, 2003. The Malibu Riding and Tennis Club has agreed to have its lien subordinated to the conservation easement to be acquired by the County.

The \$500,000 to be paid as consideration for the conservation easement will provide a portion of the funds necessary to enable the Nature Trust to payoff this note. The remaining balance of funds required for the payoff will come from a combination of funding from the Nature Trust and \$500,000 which has been committed by the State of California Department of Parks and Recreation to purchase the fee title to the northerly forty acres, including the area subject to the proposed conservation easement, as an addition to Leo Carrillo State Park.

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The property subject to this easement is zoned by the City of Malibu as RR10 (residential rural) which allows one single family dwelling on a minimum ten-acre parcel. The \$500,000 being paid as consideration has been confirmed by outside appraisal and is comparable in value per acre to the amount of monetary consideration paid by the State to acquire similar adjacent unimproved land in 2001.

The Department of Parks and Recreation has reviewed and concurs with the recommended actions. The Chief Administrative Office, pursuant to Government Code Section 65402, has provided notification to the City of Malibu of the County's intent to acquire this conservation easement. The Department of Public Works has reviewed and approved the legal description and the preliminary title report issued by Chicago Title Company and has reviewed a Phase I environmental site assessment of the property and concurs with the consultant's conclusions that no further investigation of subsurface conditions are warranted. County Counsel has approved all documents in this transaction as to form.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt from CEQA pursuant to Sections 15316 and 15325 of the Guidelines for Implementation of the California Environmental Quality Act, Title 14 of the California Code of Regulations and Classes 16 and 25 of the County's Environmental Document Reporting Procedures and Guidelines.

IMPACT ON CURRENT SERVICES OR PROJECTS

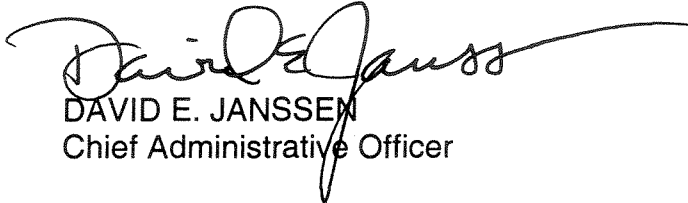
The recommended actions will serve to increase passive recreational opportunities for the public and will have no impact on any other current County services or projects.

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CONCLUSION

After consummation, it is requested that the Executive Officer, Board of Supervisors return duplicate conformed copies of the adopted Board letter and two certified copies of the Minute Order to complete the processing of this acquisition.

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer

DEJ:CWW
DS:pe

Attachments (2)

c: County Counsel
Department of Parks and Recreation
Auditor-Controller

NicholasCyn.b

**RESOLUTION AND NOTICE OF INTENTION
TO ACQUIRE CONSERVATION EASEMENT**

NOTICE IS HEREBY GIVEN that it is the intention of the Board of Supervisors of the County of Los Angeles, State of California to acquire a conservation easement over 20.03 acres of unimproved land located within the City of Malibu in the upper Nicholas Canyon area of the Santa Monica Mountains in the County of Los Angeles, State of California as legally described on the attached Exhibit "A" for the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) from the fee simple owner, the Nature Trust of the Santa Monica Mountains, a California nonprofit land trust.

NOTICE IS HEREBY GIVEN that the acquisition of this easement will be consummated by the Board of Supervisors of the County of Los Angeles, State of California, on the _____ day of _____, 2003, at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. No obligation will arise against the County and in favor of the Seller with respect to the acquisition of the easement described herein until the Board of Supervisors approves the purchase on the named consummation date.

The foregoing Resolution was adopted on the _____ day of _____, 2003, by the Board of Supervisors of the County of Los Angeles, State of California.

VIOLET VARONA-LUKENS, Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM

LLOYD W. PELLMAN
County Counsel

By  _____
Deputy

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1, PAGES 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND BEING PORTIONS OF PARCELS A AND B AS DESCRIBED WITHIN FEE "PARCEL 1" IN THAT DOCUMENT RECORDED SEPTEMBER 20, 2000, AS INSTRUMENT NO. 00-1471795, OF OFFICIAL RECORDS OF SAID COUNTY, SAID PORTIONS BEING DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT ALONG THE WESTERLY LINE OF SAID PARCEL B, WHICH IS DISTANT THEREON SOUTH 5°33'17" WEST 3094.30 FEET FROM THE NORTHWESTERLY CORNER OF SAID PARCEL B; THENCE LEAVING SAID WESTERLY LINE, SOUTH 66°51'00" EAST 1189.90 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 66°51'00" EAST 1152.41 FEET TO THE EASTERLY LINE OF SAID PARCEL A; THENCE ALONG SAID EASTERLY LINE, SOUTH 0°00'00" EAST 688.18 FEET TO A SOUTHEASTERLY CORNER OF SAID PARCEL A; THENCE ALONG A SOUTHERLY LINE OF SAID PARCEL A, NORTH 80°45'30" WEST 923.65 FEET TO THE WESTERLY TERMINUS OF SAID LINE; THENCE ALONG A LINE, THE PROLONGATION OF WHICH INTERSECTS THE NORTHEASTERLY CORNER OF PARCEL 7 PER PARCEL MAP NO. 5857 FILED IN BOOK 86 PAGES 15 AND 16 OF PARCEL MAPS IN SAID OFFICE OF THE COUNTY RECORDER, NORTH 57°12'46" WEST 176.00 FEET; THENCE NORTH 0°00'00" EAST 897.60 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.
Comprising +/- 20.03 Ac.

Prepared June 3, 2002

By:



Mario J. Quiros

L.S. 5009, lic.exp.12/31/05

[illegible]

118 ACRES OWNED BY THE NATURE TRUST

**NORTHERLY 40 ACRES TO
BE ACQUIRED IN FEE BY
THE STATE**

NICHOLAS CANYON COUNTY BEACH

BOARD OF
SUPERVISORS
OFFICIAL COPY

76R 352M 11/83

COUNTY OF LOS ANGELES
REQUEST FOR APPROPRIATION ADJUSTMENT
DEPARTMENT OF PARKS & RECREATION

DEPT'S. No. 600
August 13, 2003

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

4-VOTE MATTER
(FY 03-04)

FINANCIAL SOURCES:

Capital Projects/Refurbishments
Department of Parks & Recreation
Upper Nicholas Canyon (3)
Acquisition
Rev: Reg Park & Open Space DT/CP
A01 - PK - 68814 - R400
\$164,000 Increases Revenue

FINANCIAL USES:

Capital Projects/Refurbishments
Department of Parks & Recreation
Upper Nicholas Canyon (3)
Acquisition
Land Acquisition
A01 - PK - 68814 - 6006
\$164,000 Increases Appropriation

JUSTIFICATION:

Adjustment is necessary to provide additional appropriation for the purchase of a conservation easement in the upper Nicholas Canyon area.


Ahmed Bahbah, Accounting Officer III

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER FOR ✓ ACTION

RECOMMENDATION

AUDITOR-CONTROLLER BY 

APPROVED AS REQUESTED

AS REVISED

AUGUST 13, 2003
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CHIEF ADMINISTRATIVE OFFICER

APPROVED (AS REVISED):
BOARD OF SUPERVISORS

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